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Sent: Friday, December 06, 2002 8:01 AM
To: McLaughlin, Craig D
Cc: Steingart, Karen; Koontz, Kay
Subject: Revision to WAC 246-100

First, permit me to introduce myself. I am legal counsel to the Southwest Washington Health District. I have been honored to serve that entity since 1986. My work has included matters dealing with sexually transmitted diseases, tuberculosis, and other communicable diseases. I have represented the Health District before local courts and given advice on these issues as well.

Washington statutes allow the local health officer wide authority and discretion to take action to preserve the public health and give protection from the spread of communicable diseases. That authority is contained in RCW 70.05.070. With the exception of tuberculosis and sexually transmitted diseases, the statutes do not give a comprehensive outline for quarantine or isolation procedures. The new proposal gives that specificity. It will be helpful to practitioners and to the courts in dealing with cases of this type.

It is noteworthy, however, that our state has gotten along for over 100 years without these procedures. And, of course, quarantine or isolation implicates serious issues of civil liberties. The new regulation may have the effect of encouraging its use. That would not be a good thing and could lead to mischief in the hands of the overly aggressive. At the present time, there is fear of bioterrorism which could conceivably lead to mass epidemics. We all want to have procedures in place to deal with that threat. Hopefully, the perceived danger will subside in the future.

With those considerations in mind, it is my belief that the regulation should contain a "sunset provision," a section indicating that it will no longer be effective after a certain date. I would recommend three years. This would give us all the opportunity to decide if we really need this after that time. If we do, it can re-enacted. If we don't, we can simply let the regulation become ineffective.

Thank you for your attention.